CITY OF TORONTO
PLANNING AND DEVELOPMENT DEPARTMENT

CITY CLERK'S OFFICE
NO ANS
REFER FILE
MAR 28 8 3 17 PM 8d

C&N/West Central
March 15, 1984

AA(6)

To: Land Use Committee

Subject: Report on objections to the Bathurst - St. Clair Part II Official Plan and the implementing Zoning By-law (By-laws 552-83 and 553-83)

Origin: City Clerk, October 19, 1983 (c71luc84139:172)

Comments:

1. Background

The Bathurst-St. Clair Part II Official Plan: Final Recommendations report, April 1982 was submitted to the Planning Board for consideration on June 21, 1982. The Part II Official Plan and Zoning are shown in Maps 1 and 2. Since then, four further reports have been written in response to the submissions made to the Planning Board and your Committee in respect to the Part II Plan. These reports have dealt with almost 30 objections. All but 5 of those 30 objections were resolved by the time City Council passed by-laws 552-83 and 553-83 for Bathurst-St. Clair on July 11, 1983.

In September 1983, the City Clerk circulated By-law 553-83, the implementing zoning by-law of Bathurst-St. Clair. At its meeting of October 4, 1983 your Committee had before it a report from the City Solicitor, dated September 30, 1983, advising that 6 objections to the By-law had been received. Further objections were subsequently received at a later date. The Committee requested the Commissioner of Planning and Development to report on those objections. All correspondence is included in Appendices 1 to 8.

This report, the 5th in the series, comments on all objections to the implementing Zoning By-law and the Official Plan amendment. In addition, Planning staff have conducted an internal review of the Official Plan policies and have recommended modifications to the policies. All objections and modifications proposed by planning staff have been grouped into the following three categories:

a objections to By-law 552-82 (Official Plan amendment)

b objections to By-law 553-83 (Zoning by-law amendment)

c modifications recommended by planning staff.

2. Summary of Objections and Response

a) Objections to the Official Plan By-law 552-83 (see Map 4)

Two objections were received pertaining to the Official Plan

i) Transportation Policies

Metropolitan Toronto objected to the transportation policy contained in Section 2.6(a). It is recommended that no change be made in the policy pending the potential revision of the transportation policies contained in the Part I Official Plan.

ii) Paterson Spring and Trivest Developments (Map 4 - 3.2)

The second objection to the Official Plan deals with 637-657 Davenport Road. These properties represent legal non-conforming uses. Both sides have been designated Low Density Residence Area since the City's first Official Plan of 1949.

In view of this consistency in policy, the legal non-conforming nature of the properties and option for viable residential redevelopment it is recommended that the Low Density Residence Area designation be re-affirmed.

b) Objections to the Zoning By-law, By-law 553-83 (see Map 5)

Six objections have been received pertaining to the Zoning By-law.

i) 271 Spadina Road and 250 Madison Avenue (Map 5 - 4.1)

These properties have been zoned R2Z4 but due to the proximity of the site to a professional office district fronting on Davenport Road, a commercial designation was sought.

The site was formerly zoned C2V2 which permitted the development of an office building up to 5 times the lot area. The objector legally obtained a building permit to construct an 11 storey office building. While residential uses would still be preferable for the site, planning staff held lengthy discussions with the owner in an effort to seek a reduction in the proposed 11 storey office building. These discussions resulted in the owner

agreeing to a 5 storey building to be utilized for the administration offices of the Canadian Hearing Society.

Given the unique circumstances of this objection it is recommended that the appropriate amendments be adopted in both the Official Plan and Zoning By-law to recognize the proposed 5 storey building.

I am also recommending that two adjacent house form structures, 263 and 265 Spadina Road be zoned R4AZ3 in consideration of their proximity to the proposed 5 storey building.

ii) Hillcrest Hospital, 47 Austin Terrace (Map 5 - 4.2)

The Hillcrest Hospital site was downzoned from R4Z3 to R4Z2 in the By-law. The effect of this downzoning was to reduce the permitted density from 1 to 0.6 times the lot area.

The hospital is currently built at a density of approximately 0.50 times the lot area. Future plans involve a potential expansion of approximately 929 sq.m. (10,000 square feet). The recommended R4Z2 zoning would generally permit such an expansion while restoration of the R4Z3 zoning would permit an expansion of approximately 8641 square metres (93,017 square feet). This report recommends that the site be zoned R4Z2 and that the site be placed in an area of site plan control to enable the City to deal effectively with site planning matters at the time of an expansion.

iii) 49 Burnside Drive (Map 5 - 4.3)

Number 49 Burnside Drive is a large detached dwelling located within Wychwood Park. The By-law zones this property R1Z1. The owner objects to this zoning on the basis that it does not permit the conversion of dwellings to more than one unit.

This property has consistently been zoned R1Z1 prior to the Bathurst-St. Clair By-law. A review of existing densities of all dwellings within Wychwood Park, including 49 Burnside Drive, confirmed the appropriateness of the R1Z1 zoning designation.

This report recommends that the R1Z1 zoning be re-affirmed and that the issue of a specific conversion be dealt with in a site specific context.

iv) St. Michael's College (Map 5 - 4.4)

St. Michael's College owns a 2 hectare (5 acre) site at the north-east corner of Bathurst Street and St. Clair Avenue. Their objection is based on the downzoning of that portion of the site within the City of Toronto from C1V1 to CRL2U200/2.5. The effect of this change is to reduce the commercial permission from 3 to 2 times the lot area.

The Part II Official Plan permits a higher residential density and a higher total density. The plan permits CRL2U300/3.5.

The proposed zoning and Official Plan designations attempt to encourage a residential focus on this site to take advantage of the subway and reflect the predominant residential character of the surrounding neighbourhood. I continue to believe these policies are appropriate and recommend that no changes be made.

v) 536 St.Clair Avenue West (Map 5 - 4.5)

This property is a two storey commercial building located on St.Clair between Raglan Avenue and Vaughan Road. The proposed zoning is CRL2U200. The objection centres on the reduction of commercial density and the emphasis given to residential over commercial uses.

The proposed zoning increases the residential density and height limit to help encourage a residential mode centred on the St.Clair West subway station. Commercial uses have been reduced from 3 to 2 times coverage. I believe that this action is appropriate and have not recommended any changes to the Official Plan or zoning.

c) Modification Recommended by Planning Staff

i) Low Density Mixed Commercial-Residential Area C (Map 4 & 5 - 5.1)

This area is located on the east side of Bathurst Street betwen Melgund and Nina Streets. By-law 553-83 zoned this block CRLO.5U200 while the opposite side of Bathurst Street was zoned CRL1U200. This difference was initially based on the stronger retail presence on the west side of Bathurst Street.

Restrictions on the range of retail uses permitted for the east side of Bathurst were also recommended in view of the minor retail presence between Melgund and Nina Streets.

While I continue to believe it is reasonable to place restrictions on the range of retail uses to be permitted I think there is justification for not split zoning the street, from the perspective of density. Both sides of Bathurst Street have a height limit of 14 metres (45 feet) and can physically accommodate commercial development at a density of 1 times coverage. I have therefore recommended that the east side of Bathurst Street between Melgund and Nina Streets be changed from CRLO.5U200 to CRL1U200.

Sections 5.5, 5.6 and 5.7 of the Part II Official Plan amendment designate the subject block Low Density Mixed Commercial-Residential Area C. The effect of these statements is to permit local retail uses which primarily serve the adjacent community. Problems arise in interpreting and enforcing such a provision. I have therefore recommended that the wording of Section 5.5, 5.6 and 5.7 be modified to delete any reference to local and that a maximum commercial density of 1 times coverage be permitted.

ii) <u>South side of Davenport Road between Spadina Road and Huron Street (Map 5 - 5.2)</u>

The south side of Davenport Road between Spadina Road and Huron Street has been zoned R4AZ3 in By-law 553-83. This zoning designation permits a full range of residential uses and a specific list of professional office uses at a density of 1 times the lot area. This area is characterized by houseform buildings, a number of which contain commercial uses.

A review of the permitted uses was undertaken to determine if consideration should be given to permitting uses similar in nature to professional offices. This report recommends that a business office be added to the use list in recognition of the similarity between the basic nature of professional and business office uses.

iii) Special Residential Development Area & Density Bonus for Assisted Housing (Map 4 - 5.3)

The Special Residential Development Area is outlined on Map 4. It is primarily an area of industrial uses with the potential to gradually redevelop for residential uses.

The Part II Official Plan statements provide for residential uses up to a density of 2 times the lot area and refer to the provision of assisted housing as part of the considerations to be reviewed in a rezoning.

Staff review of the Plan revealed an omission pertaining to a density bonus of 25% of the total residential density. To be consistent and to provide additional incentives for the development of housing in the Special Residential Development Area, it is recommended that the Official Plan be modified to permit residential densities up to 25% greater for assisted housing purposes.

iv) Future Related Report on Encouragement of Housing in Mixed Commercial-Residential Areas

The CR zoning system provided for in Bathurst-St.Clair and other Part II Plans calculates residential density in terms of the number of units per hectare, with no upper limit on unit size. There is a built in bias towards larger units.

Planning staff is reviewing our experience with CR zoning in light of Council's desire to encourage smaller dwelling units in mixed use buildings on commercial strips. To provide for greater flexibility and to create an equal incentive for the production of smaller dwelling units, planning staff will be submitting a report recommending the establishment of a complementary density system. This alternative system will permit residential density to be calculated in terms of gross floor area. This system should help to achieve Council's housing objectives in Bathurst-St.Clair and all other areas subject to the units per hectare system.

3. Objections to By-law 552-83 (Official Plan Amendment)

3.1 Metropolitan Toronto's Objection to Transportation Policies

a) Objections

Metropolitan Toronto has objected to the transportation policies contained in Section 2.6(a) of the Bathurst-St. Clair Part II. This section of the plan pertains to the conditions under which arterial roads are to be widened.

Metro's objection, in part, is produced below:

> "While it is recognized that the City has legitimate concerns regarding maintaining a safe and pleasant residential environment and improving viability of commercial areas, Metropolitan staff are concerned that the current wording of this Section could represent an impediment to possible future improvements to the Metropolitan roads network as set out in the Metropolitan Official Plan. The Metropolitan roads involved are Bathurst Street and St. Clair Avenue and there are no plans to widen the pavement within approved rights-of-way for these roads. However, it is inappropriate that widenings of pavement within approved rights-of-way should necessitate an amendment to a local official plan. Any proposal to increase the right-of-way for these roads would require an amendment to the Metropolitan Official Plan, at which time the City would have an opportunity to comment and object. The jurisdictional and policy issue would be resolved if that section were modified to clarify that it applied only to roads within the jurisdiction of the City of Toronto. The above policy would be acceptable if modified to read as follows:"
>
> "a) that arterial roads under the jurisdiction of the City shall not be widened if...".

Metro has requested the Ministry to modify the proposed Part II amendment or refer the matter to the Ontario Municipal Board.

b) Background

The Ministry of Municipal Affairs and Housing requested Metro to comment on the Part II Plan. The Metropolitan Commissioner of Planning submitted his comments in a report dated October 31, 1983 which was adopted by the Metropolitan Council on December 6, 1983. The Commissioner objected to Section 2.6(a) of the Bathurst-St. Clair Part II Plan which deals with

transportation policies in the planning area. Section 2.6(a) is outlined below:

"Transportation

In order to create a system of traffic, transit, and pedestrian movement consistent with the goals of maintaining a safe and pleasent residential environment and improving the viability of the commercial areas in Bathurst-St. Clair, it is the policy of Council:

a) that arterial roads shall not be widened if such widening would have the effect of increasing the capacity of these roads for private automobile use within or adjacent to Bathurst-St. Clair. However, consideration shall be given to:

i) The suitability of throat widening which contribute directly to the operation of surface public transit; and

ii) the improvement of the intersection of Bathurst Street and St. Clair Avenue West for the purposes of improving pedestrian safety and the operation of surface transit vehicles, through appropriate measures;"

This policy relates to and helps implement the transportation policies contained in Section 7.2(b) and Section 7.11 of the Part I Official Plan. These provisions of the Part I Official Plan discourage automobile commuting into the Central Core and the network of arterial roads in the City. They are the subject of certain modifications proposed by the Minister and are currently under further consideration.

c) Discussion and Response

In assessing Metro's objection and the alternative wording proposed for consideration, it is important to separate right-of-way width from pavement width.

The widening of the right-of-way of any Metropolitan Toronto road as listed in the arterial road network as shown in the Metropolitan Official Plan would necessitate an amendment to that Official Plan. However, widening of the pavement width within the rights-of-way would not involve such an amendment.

The Metropolitan Planning Department has suggested their concerns would be resolved if the City modified its policy to indicate that arterial roads under the jurisdiction of the

City shall not be widened. In my opinion the effect of this modification would be to remove any policy the City may have respecting the circumstances under which pavement widenings could occur.

Widening existing pavement widths on Bathurst Street or St. Clair Avenue could have adverse impacts on Council's objectives pertaining to the stability of residential neighbourhoods, the viability of commercial areas and the quality of the pedestrian environment.

As previously stated the Bathurst-St. Clair transportation policy relates to and supports the transportation policies contained in Section 7 of the Part I Official Plan. As these policies are the subject of modifications and review by staff, it is recommended that Section 2.6(a) of the Bathurst-St. Clair Part II Official Plan not be modified as recommended by Metropolitan Toronto at this time.

d) Recommendation

That Section 2.6(a) of the Bathurst-St. Clair Part II Official Plan not be modified at this time.

3.2 637-657 Davenport Road (Paterson Spring and Trivest Developments Ltd.

a) Objection

In letters dated July 27, 1983, August 9, 1983 and September 7, 1983 Mr. Patrick J. Devine of Blott Fejer Devine, solicitors for the objectors, objected to By-law 552-83 and By-law 553-83 (Appendix 2). The nature of the objections was centred on the proposed Official Plan designation of Low Density Residence Area and the recommended R2 Z3 zoning designating for the subject sites which have been used for commercial and/or industrial uses for many years. Objections to both the Official Plan and Zoning By-law are dealt with in this section.

b) Background

As Map 4 indicates the two sites in question are located on the south side of Davenport Road between Albany Avenue and Howland Avenue. Paterson Spring and Trivest Developments represent two legal non-conforming uses. Both of these sites have always been zoned R2 Z3. They have operated on this basis for many years.

Subsequent to the above objections, Patrick Devine on behalf of his clients, submitted an application for a rezoning and a Part I Official Plan Amendment respecting 637-657 Davenport Road requesting their designation as a General Use Area and a CR L2 U150 zone. Following consideration of my report, City Council at its meeting of January 9, 1983, adopted the recommendation that the application be refused. Patrick Devine then requested the Minister in his letter of December 5, 1983, to refer the matter to the Ontario Municipal Board under Section 22 (1) of the Planning Act, S. O. 1983.

When applying for rezoning, Patrick Devine noted:

> "... The purpose of this application is in order to give the OMB the necessary jurisdiction when considering our clients' objections to the Bathurst-St. Clair O.P. Amendment and zoning by-law, in order to implement the "General Use Area" designation and CR L2 U150 zoning as proposed in those objections..."

c) Discussion and Response

The Bathurst-St. Clair Part II Proposals report of 1978 proposed that 637-657 Davenport Road be designated a General Use Area and zoned CR L2 U150. These designations were considered appropriate by the owners of Paterson Spring and Trivest Developments as their properties were occupied by legal non-conforming uses. However, the April 1982 Final Recommendations report did not retain these designations. The proposals report of 1978 contained proposals only and was prepared for discussion purposes with the residents and the property owners of the area.

Following a review of this report, several changes were made and the deleting of the General Use Area and CR L2 U150 zoning represented one of those changes. The basis for deletion and subsequent re-affirmation of Low Density Residence Area and R2 Z3 zone is outlined below:

i) <u>Legal Non-Conforming Uses</u>

There are several commercial and industrial properties mixed with residential houses on the fringe streets of the neighbourhood, namely, Bridgman Avenue, Bathurst Street and the pocket containing the subject properties on Davenport Road. These uses have also existed as legal non-conforming uses. Over time it is Council's objective to encourage their relocation and redevelopment for residential purposes. Policies contained in the Part II Official Plan further reinforce this objective.

ii) New Residential Development

Despite the objection of Trivest Developments Ltd. to the proposed zoning, this same company currently has a site specific rezoning application before the City for lands immediately south of Davenport Road on Albany Avenue. Trivest has proposed a 16 unit apartment building at a density of just over 1 times coverage. The building is within the recommended 12m (38 foot) height limit and is houseform in appearance. While the rezoning application is the subject of community discussion, it is a good example of the type of development that is generally possible under the R2 Z3 zoning.

There does not appear to be any reason why such development would not be feasible on Davenport Road which has the same Official Plan and zoning designation. While Davenport Road is a busy arterial street, the dominant land use fronting both sides of this road is residential. The R2 Z3 zoning permits all types of residential uses including duplexes, triplexes and apartment buildings. Given these range of uses and the current residential development on Albany Avenue, the R2 Z3 zoning should be re-affirmed.

iii) Previous Official Plan and Zoning

The subject properties and the entire Bathurst-Davenport neighbourhood have consistently been designated Low Density Residence Area in the City of Toronto Official Plan of 1949 and 1969. Similarly the City's original zoning by-law #18642 passed by Council in 1952 as well as the current Zoning By-law #20623 have zoned the subject lands R2 Z3. The Bathurst-St. Clair policies are re-affirming these designations.

d) Recommendation

That the Low Density Residence Area designation and R2 Z3 zoning applicable to 637-657 Davenport Road be re-affirmed.

4. Objections to By-law 553-83 (Zoning By-law Amendment)

4.1 271 Spadina Road and 250 Madison Avenue

a) Objection

In a letter dated September 21, 1983 from Goodman and Goodman, Ms. R. Houser objected to By-law 553-83 on behalf of Mastway Investments Ltd. and Ridgevale Investments Ltd. (Appendix 3).

The By-law zoned the above properties R2Z4 but due to the mixed nature of the surrounding uses a commercial-residential zoning is sought by her client.

b) Background

At present, 271 Spadina Road and 250 Madison Avenue comprise one lot. An application to the Committee of Adjustment to sever the site into two parcels of land has been submitted to the Committee. For the purposes of this report, the two properties will be considered as two separate lots.

The lot at 271 Spadina Road is a vacant parcel and 250 Madison Avenue has a two storey office building which has undergone extensive renovations in recent years. The Part II Official Plan designated these properties as Special Residential Development Area. By-law 553-83 zoned 271 Spadina Road and 250 Madison Avenue R2Z4. There is a height limitation of 14 metres (45 feet). Residential buildings at a maximum density of 2.0 times the lot area are permitted. Notwithstanding this zoning, By-law 553-83 contained a Section 16(1) clause which recognized 250 Madison Avenue for the purpose of offices. Previous zoning of the two lots was C2V2 which permitted office uses at a density of 5 times coverage. Based on this zoning, the applicant obtained a building permit in early 1983 to build an 11 storey office building with an approximate gross floor area of 85,000 sq.ft. on the vacant lot at 271 Spadina Road. Extensive discussions have taken place between the objector and planning staff in an effort to arrive at a satisfactory solution.

c) Discussion

The subject site has been zoned R2Z4 to encourage residential redevelopment. While a residential building on the site would still be the most preferable alternative, the immediate proximity of 271 Spadina Road to the R4A zoning district to the north and the current vacant condition of the site led the staff to examine the desirability of extending the Low Density Mixed Commercial-Residential Area E designation in the Official Plan and the R4AZ3 zoning to 263, 265 and 271 Spadina Road and 250 Madison Avenue.

The R4A zoning district permits professional offices in addition to the administrative offices of a non-profit organization.

The development of an 11 storey office building on the vacant site at 271 Spadina Road is an issue of concern. This site is situated below the escarpment at the base of Casa Loma.

Development of an 11 storey building would block the views from the top of the escarpment from Casa Loma, Spadina House and the Spadina Road parkette situated between Casa Loma and Spadina House. The parkette constitutes the unopened Spadina Road allowance. It is accessible to pedestrians from adjacent residential neighbourhoods above and below the escarpment via a series of steps leading up the face of the escarpment from Davenport Road.

In addition to the above, concern over blockage of views, other planning goals for the site relate to the achievement of buildings that are compatible in scale with the proposed 14 metres (45 feet) height limit.

Extensive negotiations with the developer over the past several months have resulted in a revised development concept which has merit. The revised scheme involves construction of a 5 storey building for the administrative offices of the Canadian Hearing Society, a permitted use under the R4A zoning district. This proposal warrants serious consideration given the context of the site and unique circumstances associated with reality of the building permit to construct an 11 storey building for general office use.

The proposed 5 storey building would be compatible in scale with the proposed 14 m (45 foot) height limit contained in the by-law. In addition, the building would not block any of the sight lines and vistas from Casa Loma that have been identified as important to maintain.

The proposed use of the 5 storey building for the administrative offices of the Canadian Hearing Society is a permitted use in the R4A zoning district. Given the compatibility of this use with the nature and type of business, administration and professional offices on Davenport Road, I am recommending that 271 Spadina Road and 250 Madison Avenue be zoned R4AZ3 and designated Low Density Mixed Commercial-Residential Area E in the Part II Official Plan.

Two housing structures, 263 and 265 Spadina Road, are located immediately adjacent to the subject lands on the south side. These are zoned R2Z3. Because of thier proximity of the proposed office building, it is recommended that they should be included in Area E and R4AZ3 zone.

During the course of negotiations with the developer, plans were developed for the proposed building at 271 Spadina Road. The plans provide for a building at a density of 3.25x the lot area. This density is clearly in excess of the 1 times density provided for in the R4AZ3 zoning designation.

However, it is considerably less than the 5 times coverage which the developer is legally entitled to build at the present time in the form of an 11 storey office building.

I am of the opinion that a 5 storey building would be a significant improvement over the proposed 11 storey structure. The original planning goal of residential use is not achieveable. However, the revised development concept does achieve goals of low scale and is compatible with the type of uses permitted in the R4A zoning district.

d) Recommendation

In consideration of the unique circumstances associated with the subject lands, I am recommending that appropriate clauses be provided for in the Official Plan and implementing zoning by-law to permit the construction of a building for administrative office uses at 271 Spadina Road provided the building does not exceed 5 storeys in height having a gross floor area of 3623 sq.m. (39,000 sq.ft.) on a lot of 1115 sq.m. (12,000 sq.ft.) at a density not exceeding 3.25 times the area of the lot.

With respect to 250 Madison Avenue, I recommend that similar clauses be provided for in the Official Plan and implementing zoning by-law to permit the use of the building for purposes of offices having a maximum gross floor area of 1579 sq.m. (17,000 sq.ft.) at a density not to exceed 1.75 times the area of the lot.

The above recommendations are subject to compliance with the provisions of the zoning by-law pertaining to parking.

4.2 Hillcrest Hospital, 47 Austin Terrace

a) Objection

Mr. L. Macchione of McMillan, Binch objected to By-law 553-83 on behalf of Hillcrest Hospital in their letter of September 19, 1983. (Appendix 4). Mr. David N. Ross of the same firm appeared before your Committee at its meeting on October 19, 1983 to elaborate on their objections. The objection has four elements:

- The By-law has downzoned the Hospital property from R4Z3 (1.0 times the lot area) to R4Z2 (0.6 times the lot area).

- The present gross floor area of the Hospital is in the range of 0.59-0.6 times the area of its lot. In other words, it is almost at Z2 density.

- This action froze the Hospital's property and allows no future expansion.

- For the Hospital to perform its functions properly, it must remain flexible in its future plans and therefore requests the restoration of R4Z3 zoning.

b) Background

Hillcrest Hospital has been located in the area since 1886. It functions as a short term rehabilitation hospital and receives patients from almost 10 Metro area hospitals. Its present building was built in 1962 with four floors and a large basement.

The Part I Official Plan designated the hospital property Low Density Residence Area. The site was zoned R4Z3.

The Part II Official Plan re-affirmed the Low Density Residence Area designation but recommended a rezoning from R4Z3 to R4Z2. The effect of the rezoning is to reduce the amount of permissible floor area that could be built on the site from 1 times the lot area or 8641 sq.m. (93,017 sq.ft.) to 0.6 times the lot area or 5184 sq.m. (55,810 sq.ft.).

c) Discussion

The downzoning was first advocated in the 1978 Bathurst-St. Clair Proposals report. It was based on two points. First, the large lot area in relation to the relatively small gross floor area of the hospital meant that the hospital could undertake a significant expansion without any regard to the placement of buildings on the site and the evaluation of the potential impacts expansion may have on adjacent houses. It was considered important to consider any potential expansion in the context of a thorough study involving local resident input.

The Final Recommendations report of April 1982 and the resulting By-law 553-83 implemented the proposed R4Z2 zoning.

On November 7, 1983 planning staff met with representatives of Hillcrest Hospital to discuss their objection and develop an understanding of any expansion plans. At that time the hospital had no plans for an immediate expansion. However, they did indicate this matter would be discussed with the

Metro Toronto District Health Council and the Hospital Board of Governors. In a letter dated January 5, 1984 (Appendix 4.3), Mr. L. Muldoon, Executive Director of the Hospital advised that an expansion of approximately 929 sq.m. (10,000 sq.ft.) is anticipated in the future to provide for Out-Patient Physiotherapy/Day Hospital Services focussing on the immediate community.

In assessing the Hospital's objection considerable attention was directed at obtaining correct gross floor area data. In reviewing past records there was doubt about the actual size of the existing building. However, the Buildings Department has recently undertaken a thorough review of all records and has established that the total gross floor area in hospital use is 4354 sq.m. (46,870 sq.ft.)

If the R4Z3 zoning was restored permitting a building to be erected at up to 1 times the lot area, a total of 8641 sq.m. (93,017 sq.ft.) could be built.

If the R4Z2 zoning is retained thus permitting a total of 0.6 times coverage, the hospital would be entitled to build a total of 5184 sq.m. (55,810 sq.ft.). This would permit an addition of approximately 836 sq.m. (9000 sq.ft.)

Given the uncertain nature of the hospital's expansion plans it appears the R4Z2 zoning is appropriate. I am of the opinion that no changes should be made to the R4Z2 zoning.

I am concerned about the potential impacts of an expansion on the adjacent residential neighbourhood. Such matters as traffic generation, the location of new buildings on the site, vehicular access conditions and provision for adequate buffering are all matters that are impossible to predict prior to an actual assessment of development concepts. I am of the opinion that these matters would best be regulated via site plan control and am recommending that the subject lands be designated as a site plan control area.

4.3 <u>49 Burnside Drive</u>

a) Objection

In connection with their property at 49 Burnside Drive, Mr. Michael Vaughan on behalf of his wife and himself objected to By-law 553-83 in his letter of September 21, 1983 to the City Clerk. (Appendix 5).

Mr. Vaughan objects to the R1 Z1 zoning recommended for his property. This zoning would only permit single family

detached dwellings. Mr. Vaughan requests that the property be zoned R1F to permit more than one dwelling unit in his house.

b) Background

As indicated in his letter the Bathurst-St. Clair 1978 Proposals report recommended that the houses on Burnside Drive be zoned R1F. This zoning would, under certain conditions, have permitted houses to be converted. Following public meetings, planning re-evaluated the suitability of this zoning and recommended that the R1 zoning designation be retained. It is important to note that 49 Burnside has always been zoned R1 Z1 even prior to the Bathurst-St. Clair study.

c) Discussion and Response

No. 49 Burnside Drive is a large detached dwelling house containing approximately 659 square metres (7,100 sq. ft.) of floor area. The house obtains primary vehicular access from Burnside Drive. Secondary access is possible from Wychwood Park via a private road that is not in common use. Despite the current vehicular access arrangement the house is situated within Wychwood Park, a small community of dwellings served by a private road.

Planning staff met with Mr. Vaughan to discuss his objections and initiated a density study of all dwellings in Wychwood Park to again review the appropriateness of R1 zoning. The study revealed that the average built density of all houses in Wychwood Park was 0.249 coverage. Out of 52 houses in Wychwood Park, 38 or 73% had densities at or less than 0.35 times the lot area which is the Z1 density maximum. Perhaps most significant, 49 Burnside had a density of 0.23 times the lot area. The R1 Z1 zoning therefore appears to be appropriate for 49 Burnside and Wychwood Park in general.

With respect to the specific concern of Mr. Vaughan regarding his ability to convert his house into two dwelling units, it is recommended this matter be dealt with in a separate context on its own merits. Mr. Vaughan has stated that the house was converted to multi-family use in 1926 and that this use was used on and off for such purposes over the years since then. It is my understanding that Mr. Vaughan purchased 49 Burnside in the knowledge that the property was zoned R1 Z1 and that it could only be used as a single family detached dwelling. It is my opinion that the potential conversion of 49 Burnside Drive is a site specific matter that should be evaluated on its own merits. I am satisfied that the R1 Z1 zoning recommended for Wychwood Park and Burnside Drive is appropriate in the general sense. I therefore recommend that

Mr. Vaughan pursue his specific concern on an individual basis through the appropriate mechanism.

d) Recommendation

That the R1 Z1 zoning designation applicable to 49 Burnside Drive be re-affirmed.

4.4 St. Michael's College

a) Objection

In a letter dated September 19, 1983 Mr. Wesley Brown of O'Donohue, White and Christo objected to By-law 553-83 on behalf of St. Michael's College (Appendix 6). The objection was based on the grounds that the proposed by-law unduly restricts the height and density of future development of the site.

b) Background

As Map 5 indicates the subject lands are located at the north-east corner of Bathurst Street and St. Clair Avenue west. The site is approximately 2 hectares (5 acres) in size. Only 0.6 hectares (1 1/2 acres) are actually within the City of Toronto. The balance of the site is in the City of York. The current objection has a lengthy history.

The 1978 Bathurst-St. Clair Part II Proposals report recommended the site be zoned CR L2 U200 with a constant of 2.5. This represented a downzoning from the former zoning which permitted commercial development upto 5 times coverage. The downzoning was opposed by St. Michaels College and the Borough of York. The Borough of York lands are still zoned to permit a density of 5 times coverage.

The site is under a long term lease to Loblaws which currently operates a supermarket on the premises. Loblaws indicated interest in establishing a large scale super store on the site with surface parking surrounding the building. This concept was discouraged by planning staff in both Toronto and York who recommended the site be planned in a long term comprehensive manner. Loblaws did not pursue their plans.

The policies advocated in the 1978 Bathurst-St. Clair Proposals were re-evaluated with all parties and revised in the 1982 Final Recommendations report. The objection from St. Michaels College is now based on the revised policies discussed below.

c) Discussion and Response

The 1982 Final Recommendations report recommended that the Official Plan be modified to permit higher residential and total densities. The site is designated a Medium Density Mixed Commercial-Residential Area allowing up to 2 times commercial, 300 units per hectare or a mix of commercial and residential uses with a constant of 3.5. A height limit of 18 metres (60 ft.) is also proposed. In addition, site planning and design guidelines have been prepared in consultation with the City of York to ensure a unified and comprehensive approach to the site.

Planning staff met with the solicitor for St. Michael's on two ocassions to elaborate on the basis for the revised policies. On February 7, 1983 a meeting was held with Mr. John Bousfield, planning consultant, who was retained to advise St. Michaels on the proposed policies. The concerns regarding a height limit and reduced density were fully explored. An additional concern that the recommended Official Plan densities were to be achieved through rezoning was also discussed.

The revised Official Plan density policies are based on planning principles that have been supported by the local community and City of York staff.

First, the policies attempt to encourage future redevelopment of the site as a residential rather than a commercial focus. The location of the site over the St. Clair West subway station obviously provides for future development potential and an opportunity to increase ridership on the Spadina subway line.

The subject site is ideally suited to residential uses. It is bordered to the north by a medium to high density residential area in the City of York and a stable low density residential community to the south of St. Clair Avenue. Thus the dominant character of the surrounding area is residential not commercial. An emphasis on future residential uses would help reinforce this character.

Second, basic community support services are available to serve a future residential population. The Nordheimer ravine is located immediately north and south of the site. This ravine offers passive recreational opportunities for a large population and is easily accessible.

While retail and office uses would most likely be incorporated into a future redevelopment, a variety of existing retail

service is already available in nearby Forest Hill Village on Spadina Road and on St. Clair Avenue west of Bathurst. Thus an emphasis on residential uses would help support existing retail shops and strengthen the viability of these areas.

The Official Plan policies encourage a residential role in a form that would relate to the prevailing scale of buildings along St. Clair Avenue West. An 18 metre (60 ft.) height limit was therefore proposed. I believe this height limit is reasonable and continue to support it.

The revised constant of 3.5 in the Official Plan mixing formula is to be achieved through rezoning. The achievement of higher densities through rezoning is consistent with previous planning practices. Prior to the Bathurst-St. Clair Official Plan, the site was designated a District Commerce Centre. While this designation did permit up to 5 times coverage it was not as of right but via rezoning. The new Official Plan policies do not depart from this approach.

Finally, it is important to keep in perspective the size of the site in question and the range of options that are available. At 2 hectares (5 acres) in both the City and York, the site is one of the largest developable sites on the subway system. The policies recommended recognize this opportunity and do not try to place unrealistic development controls on the site. They have been developed in consultation with the community and City of York planning staff. They represent the highest densities provided for in the entire Bathurst-St. Clair Part II Plan. For all of these reasons I am recommending that no changes be made.

d) Recommendation

That no changes be made to the Official Plan or Zoning By-law.

4.5 <u>536 St. Clair Avenue West</u>

a) Objection

In connection with his property at 536 St. Clair Avenue West, Mr. E. N. Merkur of Merkur Realty Ltd., objected to By-law 553-83 in his letter of September 19, 1983 to the City Clerk. (Appendix 7). This property, a two storey building with a store on the ground floor and an office on the upper floor, is located on the north side of St. Clair Avenue between Raglan Avenue and Vaughan Road. (Map 5).

Mr. Merkur objects to the proposed downzoning and the emphasis given to residential over commercial uses. Given the

proximity of the site to the subway and proposed expressways he believes the density should be increased not decreased.

b) Background

In a letter dated December 15, 1983 to Mr. E. N. Merkur, I outlined the planning rationale for the Part II policies as they affect Mr. Merkur's site. I also offered to meet with Mr. Merkur to discuss his concerns in detail. To date, Mr. Merkur has not responded to my letter or indicated any interest in meeting.

c) Discussion and Response

536 St. Clair Avenue West is within an area designated for commercial residential development in the Part II. The site is zoned CR L2 U200 with a constant of 2.5. The former zoning of C1 V1 permitted a density of 3 times coverage for commercial purposes, of which the residential component could not exceed 1 times coverage. In comparing the old and new zoning, it should be noted that 200 units per hectare is approximately equivalent to 2 times coverage. As a result, the new zoning permits a choice of 2 times commercial, 200 units per hectare residential or a mix of both uses. This range of options enables a developer to choose if a project will contain a commercial or a residential emphasis.

The proposed height limit of 18 metres (60 ft.) would permit a 5 to 6 storey building. This is a substantial increase from the existing 3 storey height limit applicable to buildings containing a mix of commercial and residential uses.

In a broader context, the emphasis on trying to develop a residential focus around the subway station is deliberate. As already stated in the discussion pertaining to St. Michaels College, the Part II Plan attempts to take advantage of major residential development opportunities focussed on the subway. I do not regard this to be inconsistent with the Central Area Plan.

The Central Area Plan and the recently approved Metropolitan Toronto Official Plan advocated the development of sub-centres outside the central portion of the City. The area centred on Yonge Street north of Sheppard and the Scarborough Town Centre were the two principal regional centres identified. Other sub-centres were also identified where commercial development should be encouraged. The Bathurst-St. Clair intersection was not targetted for major commercial development. Given the existing predominant residential character of the Bathurst-St. Clair area and the availability of basic support facilities,

the Plan has advocated residential upzoning. For all of the foregoing reasons, it is therefore recommended that no changes be made to the Official Plan or zoning as they pertain to 536 St. Clair Avenue West.

d) Recommendation

That no changes be made to the Official Plan and Zoning By-law.

5. Modifications Recommended by Planning Staff

5.1 Low Density Mixed Commercial-Residential Area C

a) Background

This designation applies to the east side of Bathurst Street between Melgund Road and Nina Street, Map 1. A special land use study of this area was undertaken just before the completion of the Final Recommendations report. The findings noted the absence of a rear service lane separating these lots from adjacent houses to the east. Essentially, the study confirmed the non-retail nature of the block as compared to the west side of Bathurst Street. The west side of Bathurst Street is zoned CRL1U200. A 14m (45 foot) height limit applies to both sides of the street.

Based on the study, this section of Bathurst Street was designated in the Part II Plan as Low Density Mixed Commercial-Residential Area C and was zoned CRL0.5U200. This action was intended to encourage predominantly residential development on the east side of Bathurst Street south of St. Clair. The proposed zoning deleted most of retail and service commercial uses from Area C. Local retail uses were permitted to serve the immediate neighbourhood.

b) Discussion

In reviewing all matters in the Part II Official Plan and zoning by-laws in preparation of this report, planning staff re-assessed the policies contained in Area C from the following perspectives:

i) Density

The average existing density of all commercial uses in the block is 0.76 times the lot area. The proposed zoning by-law recommended a maximum commercial density of 0.5 times the lot area. The effect of this zoning would be to render 100% of all uses non-conforming. It is my

opinion that the retension of this low commercial density would not achieve any useful planning objective.

ii) Relationship to West Side of Bathurst

As Map 1 indicates the west side of Bathurst Street opposite the subject block has been zoned CRL1U200. No use prohibitions have been recommended for this side of the street in recognition of the existing retail nature of the west side of the street.

Given the lack of retail presence on the east side of Bathurst Street, I continue to believe it is reasonable to place restrictions on the range of retail uses that should be permitted. However, I do not now believe there is sufficient justification for split zoning the street from the perspective of density. Both sides of Bathurst Street have a height limit of 14 metres (45 feet) and can physically accommodate commercial development at a density of 1 times coverage or mixed commercial-residential development under the terms of the CRL1U200 zoning designation.

iii) Enforcement Problems of Local Retail Use List

A review of the uses permitted in Low Density Mixed Commercial-Residential Area C raised serious doubts regarding the ability to differentiate between local and general retail uses and enforcement problems arising from this situation.

In my view it is difficult to restrict retail uses to those that only serve the local neighbourhood. While a business may cater particularly to customers who live and work in the general neighbourhood, customers may be drawn to the business from other parts of the City for various reasons.

In consideration of these concerns I am recommending that the reference to local be deleted from Sections 5.5 and 5.7 of the Official Plan Amendment and that the east side of Bathurst Street between Melgund Road and Nina Street be zoned CRL1U200 as indicated on Map 5.

c) Recommendations

1. That Sections 5.5 and 5.7 of By-law 552-83 be modified to delete any reference to local retail uses serving the immediate residential neighbourhood.

2. That Section 5.6 of By-law 552-83 and that Sections 5, 6, 7 and Schedule 2 of By-law 553-83 be amended to permit a maximum commercial density of 1 times the lot area.

5.2 South Side of Davenport Road between Spadina Road and Huron Street

a) Objection

As Map 5 indicates the south side of Davenport Road between Spadina Road and Huron Street is zoned R4AZ3. This zoning designation permits a wide range of residential uses in addition to professional offices. In a letter dated November 24, 1983 from McManus and Associates of 250 Spadina Road, the owner of this property has requested that consideration be given to expanding the list of professional office uses to include a business office (Appendix 8). This request was based on the difficulty in distinguishing between various types of professional and business office uses.

b) Background

The proposed R4AZ3 zoning designation applies to all buildings located on the south side of Davenport Road between Spadina Road and Huron Street. This area was previously zoned C2V2 with an intent to rezone to R2Z2, thus permitting only residential uses at a density of 0.6 times coverage.

The Bathurst-St. Clair Part II Official Plan designated this area Low Density Mixed Commercial-Residential Area E permitting a maximum total density of 1.5. The R4AZ3 zoning permits residential and professional offices up to a density of 1 times the lot area. A special provision also permits a custom workshop, an artists and photographers studio and a sample and showroom.

Approximately 25% of the buildings located in the subject area contain commercial uses. In July 1983 Council added a real estate and appraisal office to the range of permitted uses; however, this use was only applicable to 497 Davenport Road and 385 Madison Avenue.

c) Discussion and Response

The principle objective for the subject area in the Part II Plan is to retain the house form structures through the permission of professional office uses. The R4AZ3 zoning designation was viewed as the most appropriate to achieve this objective especially in view of the fact that the subject

buildings and lots are small and generally not suitable for retail uses or large office buildings.

The request of McManus and Associates to expand the use list to include a business office use needs to be evaluated on several points.

First, it must be emphasized that the subject area is a small, rather tightly knit grouping of house form buildings which are being gradually converted for professional office use. Typical of uses located within this area are offices of an architect, studios and other small businesses. The use of house form buildings for these uses appears to be very popular and helps to ensure their retension. The inclusion of a business office to the permitted use list would only add to the useability of these buildings, thereby assisting in their retension.

It is often difficult to precisely define the potential difference between two specific uses. In my view, this difficulty applies to the potential difference between a professional office and a business office. Both uses share a common range of characteristics in terms of their basic operation and function and are in fact very hard to distinguish.

The inclusion of a business office in the permitted use list for the subject area would not affect the basic objectives of the Plan; to ensure the retension of house form buildings that complement residential uses on the north side of Davenport Road. It is this reason why the proposed by-law does not provide for retail uses. The intensity of activity usually associated with such uses would not provide a compatible relationship with residential dwellings.

In view of the above considerations, I am of the opinion that the inclusion of a business office in the permitted use list for the subject area is appropriate.

d) Recommendation

That Section 8 of by-law 553-83 be amended to add a business office to the list of permitted uses in the R4AZ3 district on Davenport Road between Spadina Road and Huron Street.

5.3 Special Residential Development Area and Density Bonus for Assisted Housing

a) Background

The area on both sides of Spadina Road between Davenport Road and the CPR tracks is designated as Special Residential Development Area, (See Map 4). This area is situated south of Casa Loma, Spadina House and the escarpment. It is currently occupied by industrial uses; the most substantial of which is Dominion Dairy. This area is bordered on all sides by stable low density residential neighbourhoods.

The Part I Official Plan designated the subject area Low Density Residence Area and Area of Permissible Industrial use. The former zoning was C2V2 which permitted a density of up to 5 times the lot area. The Part II Official Plan recommended a designation of Special Residential Development Area. The policy for this area states that it shall be regarded as a priority area for long term transition from industrial to residential uses. The area is zoned IlD1 which permits light industries that are compatible with the surrounding residential area at a density of 1.0 times the lot area. In addition, special provisions are applicable to Dominion Dairy. Residential uses are permitted through rezoning up to 2.0 times the lot area.

b) Discussion

As the long term goal of the Official Plan seeks to encourage housing, the Plan contains various criteria to be met in considering applications for rezoning. Section 4.3(g) of By-law 552-83 (Official Plan amendment) pertains to the provision of assisted housing. The policy states that in considering applications to permit the maximum residential density, Council shall have regard for the inclusion of an assisted housing component. Staff review of the Plan revealed an omission pertaining to the provision of a density bonus to encourage such housing.

Provision for a density bonus of 25% of the total residential density has consistently been incorporated in all Part II Official Plan Statements across the City and has been provided for in all mixed commercial-residential areas with the Bathurst-St. Clair Part II. To be consistent and to provide additional incentives for the development of housing in the Special Residential Development Area, it is recommended that the existing wording contained in Section 4.3(g) of By-law 552-83 be deleted and a revised Section 4.3(g) be inserted in lieu thereof.

c) Recommendation

That the existing wording of Section 4.3(g) of By-law 552-83 be deleted and the following wording be inserted in lieu thereof:

"4.3(g) Notwithstanding the provisions of Section 4.2(ii) and (iv), Council may pass by-laws respecting the Special Residential Development Area to permit buildings containing residential uses, alone or, in combination with commercial or institutional uses, or both, at densities up to 25 percent greater than the residential densities permitted by Section 4.2(ii) and (iv) provided that the owner of any such building agrees with the City to provide such additional residential density or additional residential gross floor area for the purpose of assisted housing pursuant to the City of Toronto Act."

5.4 Future Related Report on Encouragement of Housing in Mixed Commercial-Residential Areas

CR zoning was first applied to commercial strips in the Central Area under the 1976 amendments resulting from the Central Area Plan. Over the past seven years CR zoning has been implemented for various commercial strips in Planning Districts throughout the City. The Bathurst-St. Clair Part II Plan includes establishing new CR zones in various portions of this Planning District.

The CR zoning system primarily calculates residential density in terms of number of units per hectare, with no limit on unit size. There is a built-in bias towards larger units, as the encouragement of such units was considered to be a major objective in the Central Area Plan. Larger units are encouraged because of the assumption in the mixed formula of a typical 100 sq.m. floor area gross for a dwelling unit.

The traditional commercial strip outside the Central Core are characterized by 2, 3, and 4 storey mixed-use buildings with dwelling units above retail stores. These commercial strips have formed an important source of modest apartments in the City's housing inventory.

My staff is currently reviewing our experience with the CR zoning system as it relates to Councils objectives for the production of more, smaller dwelling units rather than fewer, larger dwelling units. I intend to submit a report to your Committee in the immediate future. The matter dealt with in

this upcoming report will include recommendations for establishing a complementary density system enabling the calculation of residential permissions on commercial strips in terms of maximum residential gross floor area as an alternative to units per hectare. My intention is that these future recommendations will deal with the City on a comprehensive basis and apply to the relevant CR zoned commercial strips in all Planning Districts. I contemplate recommending in this upcoming report measures that will reinforce the housing policies contained in the Bathurst-St. Clair Part II Plan.

Conclusions

This report is the fifth in a long series of reports dealing with the Bathurst-St.Clair Part II Official Plan. My report deals with objections received to the Zoning By-law 553-83, the Official Plan and also proposes revisions to policies contained in both the Plan, and zoning amendment resulting from an internal staff review. In dealing with these objectives I have consulted with the objectors, ward aldermen and all resident associations expressing an interest in the Part II. I am satisfied that my recommendations take into account all relevant matters and recommend that this report be adopted.

RECOMMENDATIONS

Regarding the Official Plan

1. That By-law 552-83 be amended as it pertains to 271 Spadina Road to permit the erection or use of a building at 271 Spadina Road for the purpose of an administrative office, provided the building does not exceed 5 storeys in height, does not contain a gross floor area in excess of 3623 sq.m. (39,000 sq.ft.), and does not exceed a density of 3.25 times the area of the lot.

2. That By-law 552-83 be amended as it pertains to 250 Madison Avenue to permit the use of a building existing in the year 1984 on the lot known as 250 Madison Avenue for purposes of offices at a density not to exceed 1.75 times the area of the lot.

3. That By-law 552-83 be amended by extending the Low Density Mixed Commercial-Residential Area E on the south side of Davenport Road to include 250 Madison Avenue and 263, 265 and 271 Spadina Road and that Map A appended to By-law 552-83 be amended accordingly.

4. That Section 5.5, 5.6, 5.7 and 5.13(b) of By-law 552-83 be deleted and be replaced with the following:

"5.5 Low Density Mixed Commercial-Residential Area C shall be regarded as an area suitable for predominantly residential uses, within which commercial and institutional uses shall be permitted. Retail and service shops shall be permitted which generally serve the neighbouring residential community.

5.6 In Low Density Mixed Commercial-Residential Area C, Council may pass by-laws should Council deem it advisable, to permit:

i) buildings containing only residential uses, up to a maximum residential density of 200 units per hectare; or

ii) buildings containing only commercial or institutional uses, or both up to a maximum non-residential of 1.0 times the area of the lot; or

iii) buildings containing a mix of residential uses, and commercial or institutional uses, or both, up to the densities determined by the following mixing formula

$$\frac{\text{Non-Residential Density} + \text{Residential Density}}{100} = 2.0$$

provided the non-residential density does not exceed 1.0 times the area of the lot and the residential density does not exceed 200 units per hectare.

5.7 In order to permit retail commercial uses which generally serve the neighbouring residential community, Council shall enact amendments to the Zoning By-law applicable to Low Density Mixed Commercial-Residential Area C.

5.13(b) in Areas B, C and D:

$$\frac{\text{Non-Residential Density} + \text{Special Residential Density}}{200} = 2.0$$

provided that the non-residential density does not exceed 1.0 times the area of the lot and the special residential

density on the lot does not exceed 400 units per hectare."

5. That Section 4.3(g) of By-law 552-83 be deleted and be replaced with the following:

"4.4(g) Notwithstanding the provisions of Section 4.2(ii) and (iv), Council may pass by-laws respecting the Special Residential Development Area to permit buildings containing residential uses, alone or, in combination with commercial or institutional uses, or both, at densities up to 25 percent greater than the residential densities permitted by Section 4.2(ii) and (iv) provided that the owner of any such building agrees with the City to provide such additional residential density or additional residential gross floor area for the purpose of assisted housing pursuant to the City of Toronto Act."

Regarding the Zoning By-law

1. That By-law 553-83 be amended as it pertains to 271 Spadina Road to permit the erection and use of a building at 271 Spadina Road for the purpose of an administrative office, provided the building does not exceed 5 storeys in height, does not contain a gross floor area in excess of 3623 sq.m. (39,000 sq.ft.) does not exceed a density of 3.25 times the area of the lot and not less than 56 parking spaces are provided.

2. That By-law 553-83 be amended as it pertains to 250 Madison Avenue to permit the use of a building existing in the year 1984 on the lot known as 250 Madison Avenue for purposes of offices at a density not to exceed 1.75 times the area of the lot.

3. That Sections 5 and 6 of By-law 553-83 be amended to delete L0.5U200 from the density zone.

4. That Section 7 of By-law 553-83 be amended to delete any reference to CRL1U200 and that CRL1.0U200 be inserted in lieu thereof.

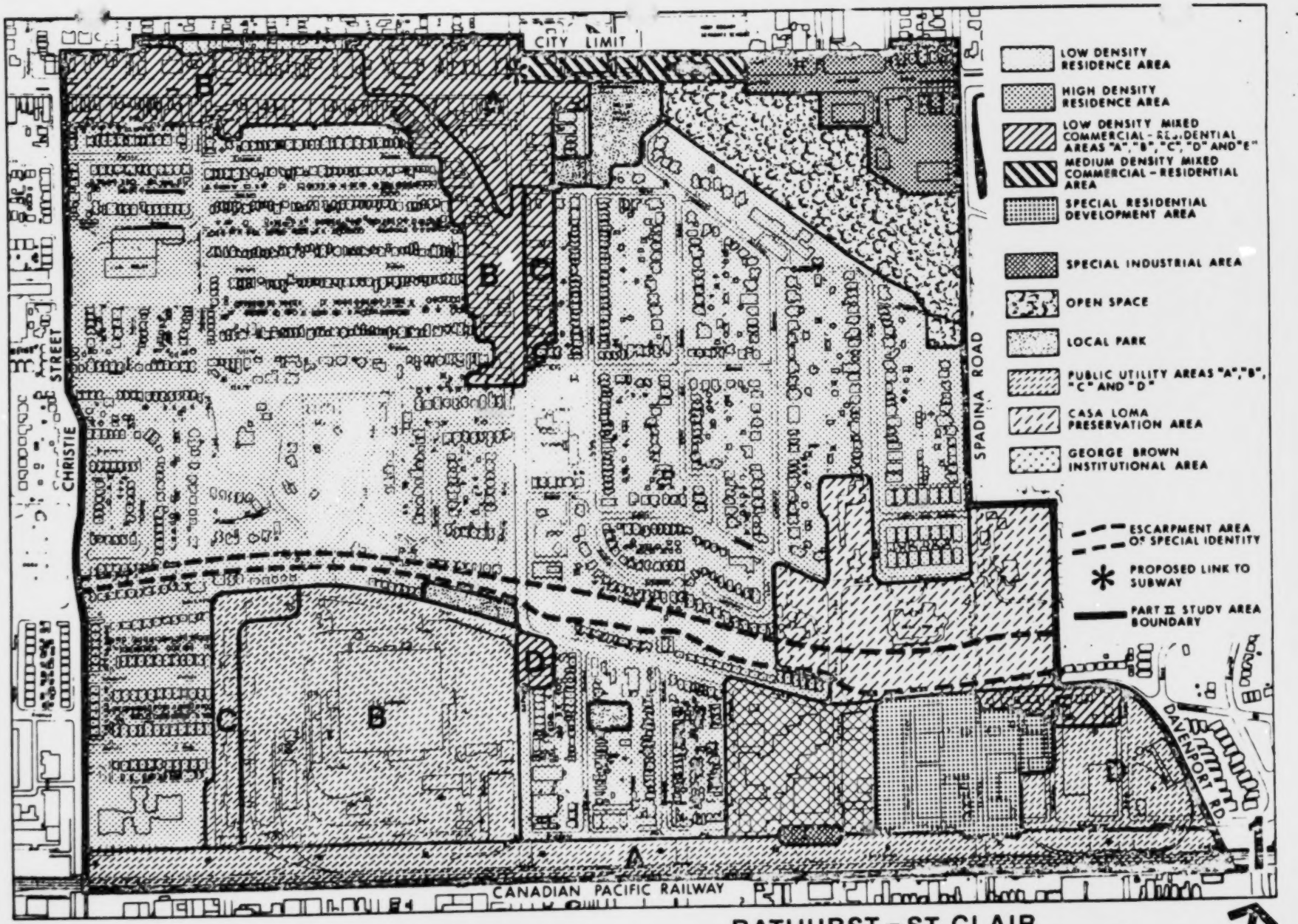
5. That Section 8 of By-law 553-83 be amended to add a business office to the list of permitted uses in the R4AZ3 district on Davenport Road.

6. That Maps 1 and 2 contained in Schedule 2 attached to By-law 553-83 be amended to reflect the changes recommended.

Regarding Site Plan Control

1. That the City Solicitor be requested to prepare a draft by-law designating 47 Austin Terrace (Hillcrest Hospital) as an area of site plan control.

Stephen G. McLaughlin
Commissioner

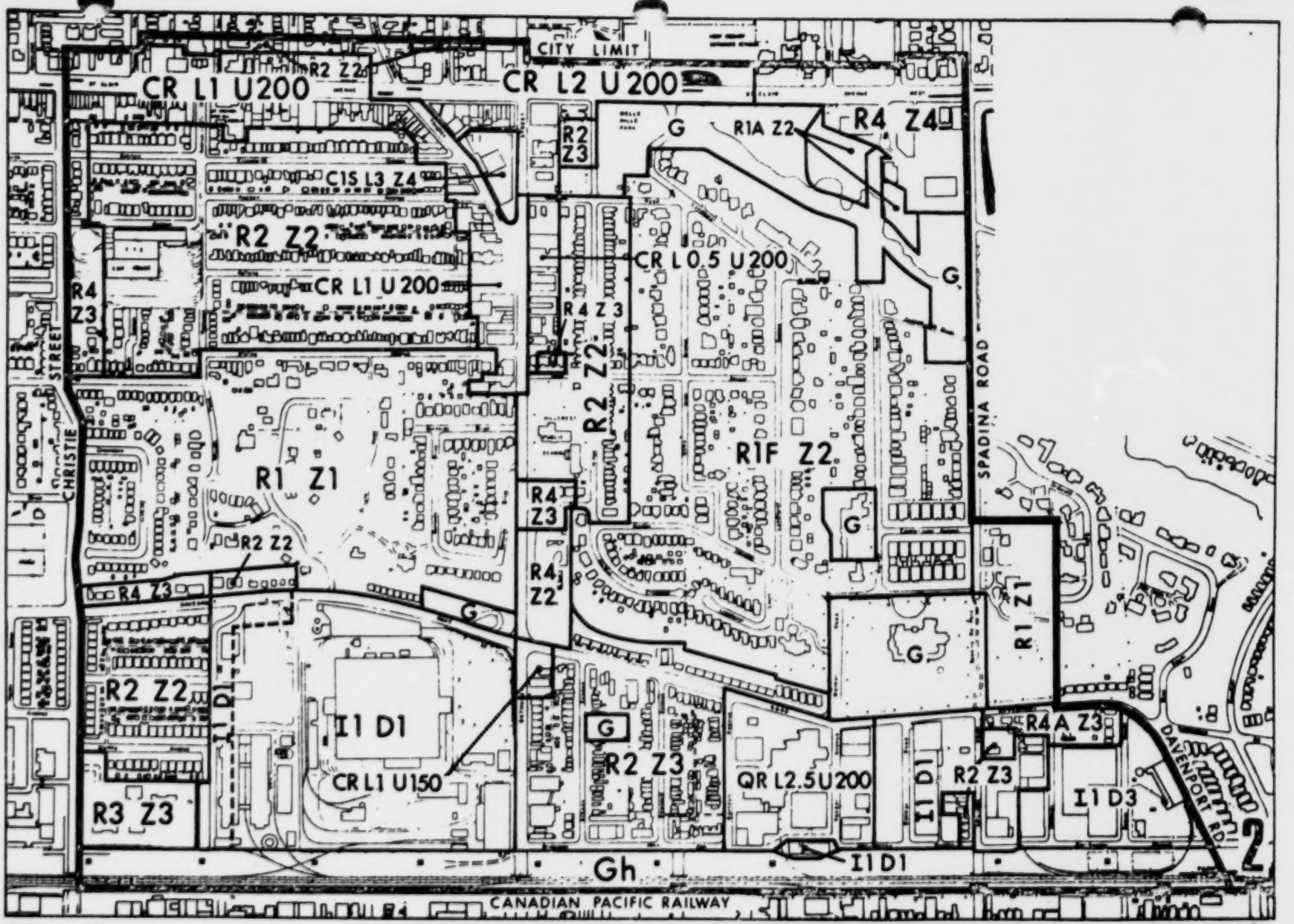

CITY LIMIT
CHRISTIE STREET
SPADINA ROAD
DAVENPORT RD.
CANADIAN PACIFIC RAILWAY
LOW DENSITY RESIDENCE AREA
HIGH DENSITY RESIDENCE AREA
LOW DENSITY MIXED COMMERCIAL - RESIDENTIAL AREAS "A", "B", "C", "D" AND "E"
MEDIUM DENSITY MIXED COMMERCIAL - RESIDENTIAL AREA
SPECIAL RESIDENTIAL DEVELOPMENT AREA
SPECIAL INDUSTRIAL AREA
OPEN SPACE
LOCAL PARK
PUBLIC UTILITY AREAS "A", "B", "C" AND "D"
CASA LOMA PRESERVATION AREA
GEORGE BROWN INSTITUTIONAL AREA
ESCARPMENT AREA OF SPECIAL IDENTITY
PROPOSED LINK TO SUBWAY
PART II STUDY AREA BOUNDARY
0 100 200m

BATHURST - ST. CLAIR
PART II OFFICIAL PLAN

CITY OF TORONTO PLANNING AND DEVELOPMENT DEPARTMENT
STEPHEN G. McLAUGHLIN, COMMISSIONER

COMMUNITY AND NEIGHBOURHOOD PLANNING DIVISION

MARCH, 1984



ZONING

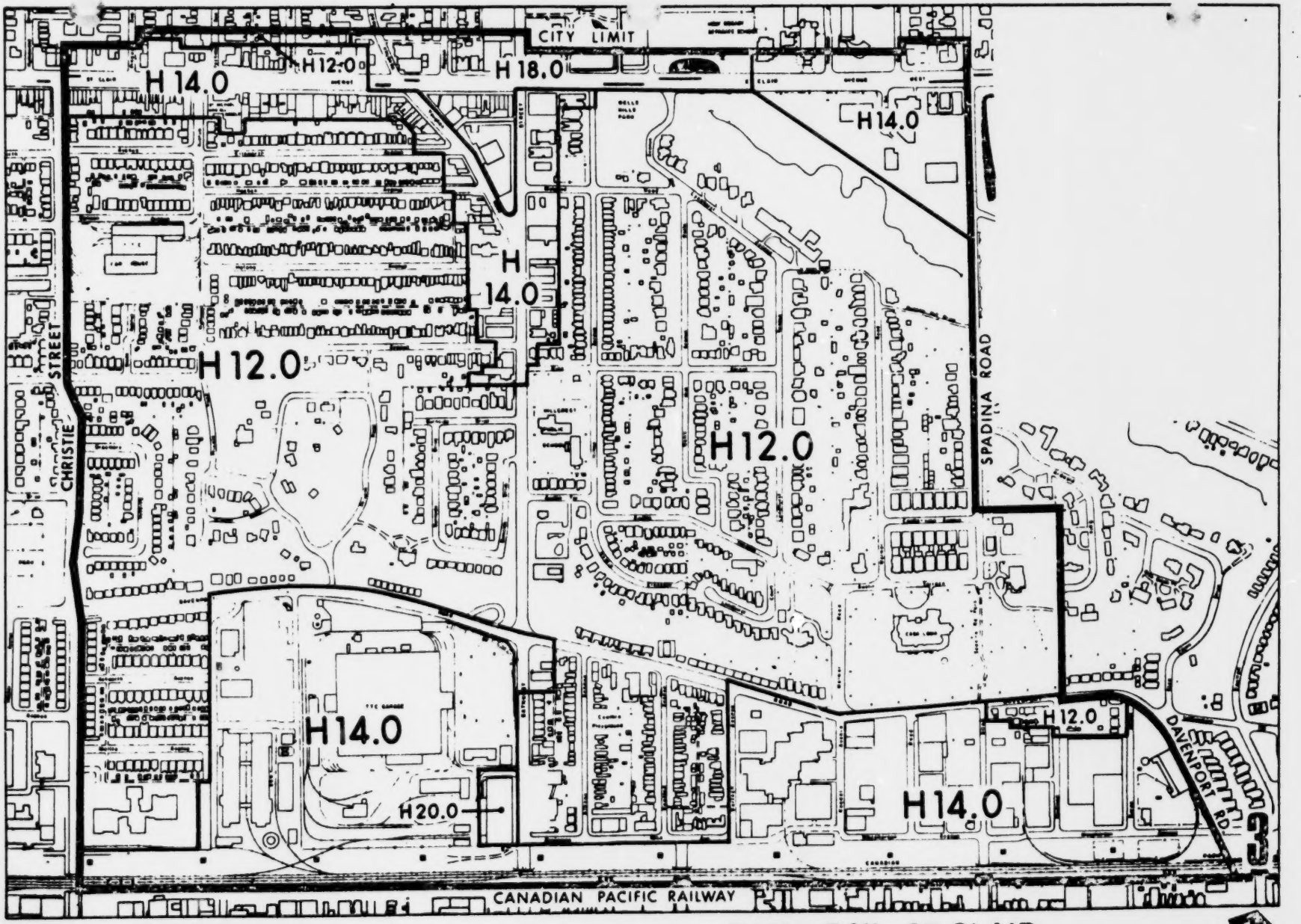
0 100 200m

BATHURST - ST. CLAIR
PART II OFFICIAL PLAN

CITY OF TORONTO PLANNING AND DEVELOPMENT DEPARTMENT
STEPHEN G. McLAUGHLIN, COMMISSIONER

COMMUNITY AND NEIGHBOURHOOD PLANNING DIVISION

MARCH, 1984



HEIGHT DISTRICTS

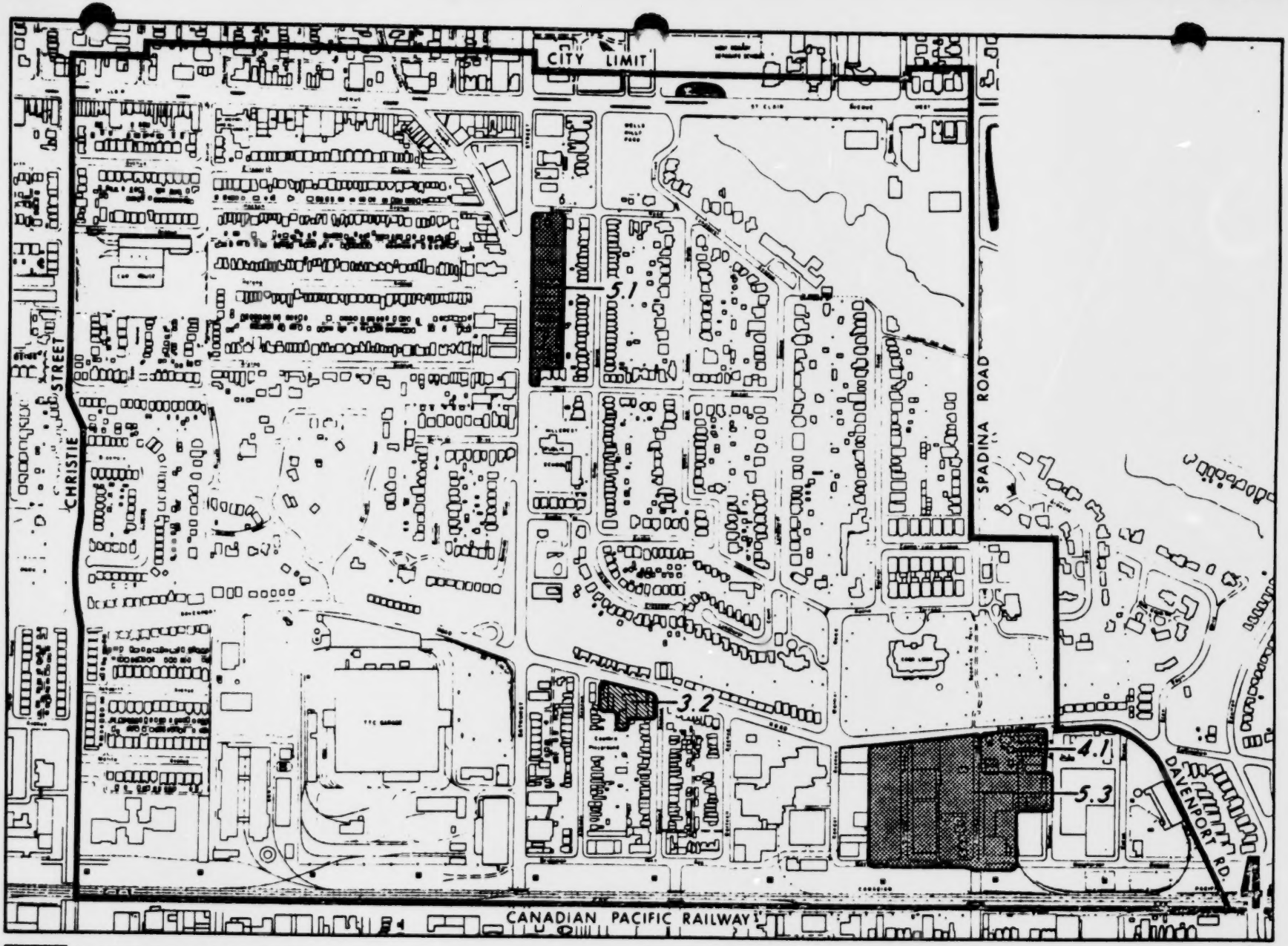
0 100 200m

BATHURST - ST. CLAIR
PART II OFFICIAL PLAN

CITY OF TORONTO PLANNING AND DEVELOPMENT DEPARTMENT
STEPHEN G. McLAUGHLIN, COMMISSIONER

COMMUNITY AND NEIGHBOURHOOD PLANNING DIVISION

MARCH, 1984



OBJECTIONS TO PART II PLAN

RECOMMENDED AMENDMENTS BASED ON STAFF REVIEW

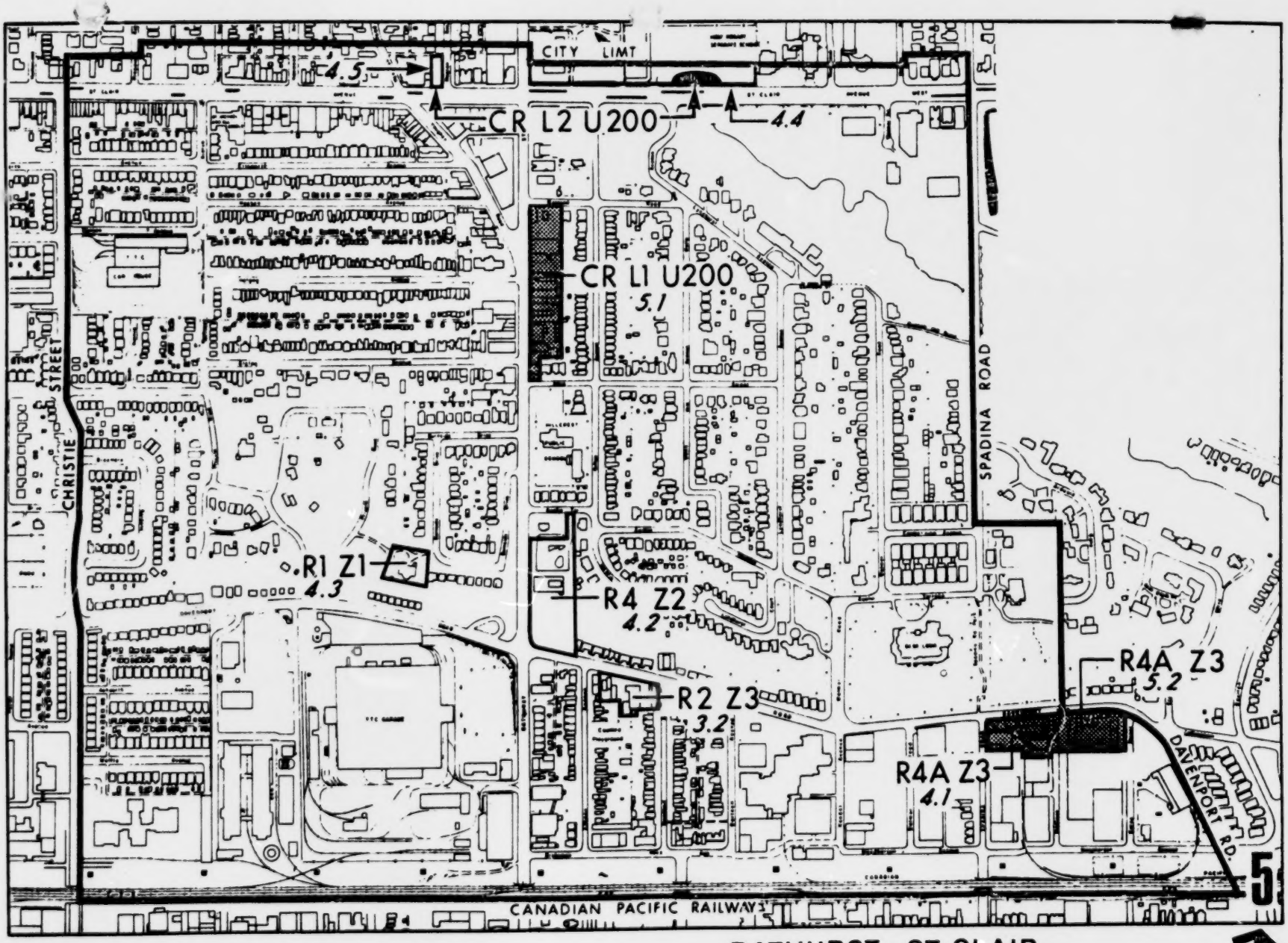
0 100 200m

BATHURST - ST. CLAIR
PART II OFFICIAL PLAN

CITY OF TORONTO PLANNING AND DEVELOPMENT DEPARTMENT
STEPHEN G. McLAUGHLIN, COMMISSIONER

COMMUNITY AND NEIGHBOURHOOD PLANNING DIVISION

MARCH, 1984



OBJECTION TO IMPLEMENTING ZONING BY-LAW 553-83

RECOMMENDED AMENDMENTS BASED ON STAFF REVIEW

0 100 200m

BATHURST - ST. CLAIR
PART II OFFICIAL PLAN

CITY OF TORONTO PLANNING AND DEVELOPMENT DEPARTMENT
STEPHEN G. McLAUGHLIN, COMMISSIONER

COMMUNITY AND NEIGHBOURHOOD PLANNING DIVISION

MARCH, 1984

Appendix 1

1.1

CITY OF TORONTO OFFICIAL PLAN AMENDMENT No. 243
BATHURST-ST. CLAIR PART II PLAN

The Economic Development and Planning Committee submits the following report (October 31, 1983) from the Commissioner of Planning:

The Ministry of Municipal Affairs and Housing has requested Metropolitan comments respecting the above document which incorporates comprehensive official plan policies for the area known as "Bathurst-St. Clair" (map appended).

Our review indicates that Section 2.6, Transportation, is worded in a manner which would empower the City to consider transportation improvements beyond its jurisdiction. Specifically, it in part states:

"Transporation

2.6 In order to create a system of traffic, transit and pedestrian movement with the goals of maintaining a safe and pleasant residential environment and improving the viability of the commercial areas in Bathurst-St. Clair, it is the policy of Council:

(a) that arterial roads shall not be widened if such widening would have the effect of increasing the capacity of these roads for private automobile use within or adjacent to Bathurst-St. Clair..."

While it is recognized that the City has legitimate concerns regarding maintaining a safe and pleasant residential environment and improving viability of commercial areas, Metropolitan staff are concerned that the current wording of this Section would represent an impediment to possible future improvements to the Metropolitan roads network as set out in the Metropolitan Official Plan. The Metropolitan roads involved are Bathurst and St. Clair Avenue and there are no plans to widen the pavement or rights-of-way for these roads. However, it is inappropriate that widenings of pavement within approved rights-of-way should necessitate an amendment to a local official plan. Any proposal to increase the right-of-way for these roads would require an amendment to the Metropolitan Official Plan, at which time the City would have an opportunity to comment and object. The jurisdictional and policy

issue would be resolved if that section were modified to clarify that it applies only to roads within the jurisdiction of the City of Toronto. The above policy would be acceptable if modified to read as follows:

"a) that arterial roads under the jurisdiction of the City shall not be widened if..."

The above issue is similar to one involving two other proposed amendments of the City of Toronto, i.e. Official Plan Amendments No. 170 and 232.

In 1981, Toronto adopted Official Plan Amendment No. 170, which embodied comprehensive revisions to the transportation policies of the City Part I Official Plan. Metropolitan Council requested the Minister to make a number of modifications to the amendment in part to deal with the concern detailed above. Ministry staff, after reviewing the Metropolitan concern, proposed to the City certain modifications of the amendment which resolve the issue from the Metropolitan perspective. To date the City has not responded to the proposed modification and the amendment has not been approved in any form.

On September 13, 1982, Metropolitan Council adopted a report which proposed modifications to City of Toronto Official Plan Amendment No. 232, Annex Area Part II Official Plan to deal with this same concern.

To be consistent with its previous positions, Council should request the Minister of Municipal Affairs and Housing to modify the amendment as indicated above and if the Minister chooses not to modify the amendment, the matter should be referred to the Ontario Municipal Board for hearing.

Recommendation:

(1) that Metropolitan Council request the Minister of Municipal Affairs and Housing to expedite consideration of City of Toronto Official Plan Amendment No. 170;

(2) that Metropolitan Council request modification of City of Toronto Official Plan Amendment No. 243 so that Section 2.6(a) reads in part as follows:

"a) that roads under the jurisdiction of the City shall not be widened..."

should the Minister decide not to effect the above modification, or to otherwise satisfy the Metropolitan

concern, then the matter should be referred to the Ontario Municipal Board; and

(3) that the Metropolitan Commissioner of Planning and the Metropolitan Solicitor be authorized to appear before the Ontario Municipal Board in support of the Metropolitan position.

The Economic Development and Planning Committee also submits the following report (November 22, 1983) from the Metropolitan Solicitor:

Your Committee at its meeting held on November 9, 1983, had before it a report dated October 31, 1983 from the Commissioner of Planning recommending:

"1) that Metropolitan Council request the Minister of Municipal Affairs and Housing to expedite consideration of City of Toronto Official Plan Amendment No. 170;

2) that Metropolitan Council request modification of City of Toronto Official Plan Amendment No. 243 so that Section 2.6(a) reads in part as follows:

"a) that roads under the jurisdiction of the City shall not be widened..."

Should the Minister decide not to effect the above modification, or to otherwise satisfy the Metropolitan concern, then the matter should be referred to the Ontario Municipal Board; and

3) that the Metropolitan Commissioner of Planning and the Metropolitan Solicitor be authorized to appear before the Ontario Municipal Board in support of the Metropolitan position."

Your Committee decided at that time to defer consideration of this matter to the next regular meeting of the Committee scheduled to be held on Wednesday, November 23, 1983, and directed that the Metropolitan Solicitor be requested to submit a report to such meeting commenting on the wording of the proposed amendment.

Section 6.E.3 of the Official Plan for the Metropolitan Toronto Planning Area as approved by the Minister of Municipal Affairs and Housing, requires the Metropolitan Corporation to establish right-of-way widths for metropolitan roads as shown on Figure 9 therein, entitled "Metropolitan Arterial Roads: Rights of Way", which sets out rights-of-way widths for both Bathurst Street and St. Clair Avenue West. In addition, section 74 of The Municipality of

Metropolitan Toronto Act confers upon the Metropolitan Council the power to widen such metropolitan roads. The City of Toronto does not have such power, nor the power to prevent the Metropolitan Council from so doing.

It is my opinion that an area municipality does not have the authority to regulate through its official plan the exercise by the Metropolitan Corporation of the powers and responsibilities conferred upon it by statute. To the contrary, applicable legislation requires that area municipal official plans be brought into conformity with the Metropolitan official plan.

In view of the foregoing I agree with reasoning and conclusions of the Commissioner of Planning with respect to this issue, as set out in his aforesaid report to your Committee, including the proposed modified wording for section 2.b(a) of City of Toronto Official Plan Amendment No. 243 as set out in Recommendation 2 of the report.

Mr. Ben Grys, Alderman, City of Toronto, and a Member of the Economic Development and Planning Committee, declared a conflict of interest in this matter in that his wife is the owner of property in the area, took no part in the consideration or dicussion thereof and refrained from voting thereon at the meetings of the Economic Development and Planning Committee held on November 9 and 23, 1983.

The Economic Development and Planning Committee recommends the adoption of the foregoing report of the Commissioner of Planning, dated October 31, 1983.

Appendix 2

2.1 Letter dated August 9, 1983 from BLOTT FEJER DEVINE, Barristers & Solicitors

"We are the solicitors for Paterson Spring Services Limited, the owner of property located south of Davenport Road between Albany Avenue and Howland Avenue in the City of Toronto. On July 11, 1983, Council for the City of Toronto adopted By-law No. 552-83 being an "Amendment to the Official Plan for the City of Toronto respecting the area known as Bathurst-St. Clair". Our client objects to the adoption of this Amendment as it relates to those lands south of Davenport Road, east of Albany Avenue and west of Howland Avenue (as shown on the attached plan) and requests referral to the Ontario Municipal Board of the relevant parts of the Amendment for the following reasons.

In 1978, as part of the study which resulted in the Bathurst-St. Clair Part II Plan, the lands of our client, together with adjoining lands, were proposed to be designated as "General Use Area". Enclosed please find a copy of the October, 1978 plan showing the proposed designation with the lands in question outlined in red. Also enclosed please find a copy of pages 98 through 100 from the 1978 City document entitled "Official Plan Proposals" indicating the then proposed policies with respect to General Use Areas.

However, in 1982, in the final recommendations document on the Bathurst-St. Clair Part II Plan, the decision was made by the City to delete both the reference in the proposed Amendment to General Use Areas and the designation of the subject lands. Map A appended to By-law No. 552-83, being the land use designation map under the proposed Official Plan Amendment, as adopted by City Council, shows no reference to the previously proposed General Use Areas.

Accordingly, on behalf of our client, we hereby request referral to the Ontario Municipal Board of those parts of the proposed Amendment referrable to these lands, namely, the designation of the lands shown outlined on the attached plan together with the text of the Amendment to the extent that it does not include policies with respect to General Use Areas. Kindly note that, at the same time as filing this request for referral, we will also be objecting to the implementing zoning by-law for the same reasons as set out herein.

Please note that a similar referral request was made by us on behalf of the adjoining property owner, Trivest Developments

Limited, on April 12, 1983 and reiterated on July 27, 1983. The concerns of Paterson Spring Services Limited and Trivest Development Limited are the same. We trust that the nature of the objection is sufficiently clear to process our referral request. Should any additional information be required, kindly contact the writer at your convenience."

2.2 Letter dated September 7, 1983 from BLOTT FEJER DEVINE, Barristers & Solicitors

"This is to confirm that we are the solicitors for Paterson Spring Service Limited and Trivest Developments Limited with respect to the above-noted matter. On behalf of Paterson Spring Service Limited, we filed with you a notice of objection dated August 9, 1983. A copy of that notice of objection is enclosed.

In addition, on July 27, 1983, we filed with you a notice of objection on behalf of Trivest Developments Limited. A copy of that letter of objection is also enclosed.

For the reasons set out in the enclosed letters, we continue to object on behalf of our clients to the relevant portions of By-law No. 553-83. We would also confirm that in accordance with the Notice of Application dated August 31, 1983, if a hearing is held before the Ontario Municipal Board, we will attend the hearing on behalf of our clients to support the objections.

Should any additonal information be required, kindly contact the writer at your earliest convenience.

2.3 Letter from BLOTT FEJER DEVINE, Barristers & Solicitors dated July 27, 1983

"We are the solicitors for Trivest Developments Limited with respect to the above noted matter. It is our understanding that By-law No. 553-83 was adopted by City Council on July 11, 1983. On behalf of our client, we hereby object to the said zoning by-law for the following reasons.

In 1978, as part of the study which resulted in the Bathurst-St. Clair II Plan, the lands of our client and the adjoining owners were proposed to be rezoned to a CRL2 U6U zoning category. Our client supported that proposed rezoning because it recognized the existing commercial properties contained within that proposed district. Our client, through its planning consultants, indicated its support to the City for this proposed rezoning.

However, the zoning by-law which was ultimately adopted, By-law No. 553-83, continues the zoning of the subject lands as RZZ3. Because our client believes that the proposed CK zoning is more appropriate for the subject lands, it objects to the provisions of By-law No. 553-83.

Would you kindly take this letter as written notice of our client's objection pursuant to the provisions of the Planning Act and note that our client will attend or be represented at the Ontario Municipal Board hearing of this matter.

Would you also note that, at the same time, our client has requested referral to the Ontario Municipal Board of the relevant portions of the proposed Official Plan Amendment for Bathurst-St. Clair. A copy of our correspondence with the Minister of Municipal Affairs and Housing is included for your information."

2.4 Letter from BLOTT FEJER DEVINE, Barristers & Solicitors dated August 9, 1983

"We are the solicitors for Paterson Spring Services Limited with respect to the above noted matter. On behalf of our client, we hereby object to the said zoning by-law for the following reasons.

In 1978, as part of the study which resulted in the Bathurst-St. Clair Part II Plan, the lands of our client and the adjoining owners were proposed to be rezoned to a CRL2 U60 (now CRL2 U150) zoning. Our client supported that proposed rezoning because it recognized the existing commercial uses within that proposed district. Attached to this letter please find a copy of the plan contained in the October 1978 proposal document showing the extent of the proposed CK zoning as it relates to our client's lands. As well, our client, through its planning consultants, indicated its support for this proposed rezoning of its property and that of the immediately adjoining properties.

However, By-law No. 553-83 as adopted does not recognize the zoning as proposed in the October 1978 document. Because our client believes that the proposed CK zoning is more appropriate for the subject lands, it accordingly objects to the provisions of By-law No. 553-83.

Would you kindly take this letter as written notice of our client's objection pursuant to the provisions of the Planning Act and note that our client will attend or be represented at the Ontario Municipal Board hearing of this matter.

Would you also note at the same time that our client has requested referral to the Ontario Municipal Board of the relevant portions of the proposed Official Plan Amendment for Bathurst-St. Clair. A copy of our correspondence with the Minister of Municipal Affairs and Housing is included for your information."

Appendix 3

3.1 Letter from GOODMAN & GOODMAN, Barristers & Solicitors dated September 21, 1983

"We are the solicitors for Mastway Investments Limited and Ridgevale Investments, the owner of the above-noted property, which has an area of approximately 2,011 sq.metres (21,600 square feet). There is a small office building on the portion of the lot municipally known as 250 Madison Avenue.

The proposed Part II Plan for Bathurst-St. Clair (OPA 243) designates the site "Low Density Residence Area". The proposed zoning under by-law 553-83 is R2Z4. Since the site contains an existing office building and abuts existing commercial uses on Davenport Road, our client believes it would be more appropriate to designate and zone the site for a mix of commercial and residential uses.

Our client is currently discussing these concerns with City planning staff. It would appear that it will be possible to arrive at a solution that will make it unnecessary for our client to pursue an objection to the by-law. However, in view of the deadline for filing objections, we must advise that our client objects to By-law 553-83 as it now stands."

Appendix 4

4.1 Letter from MCMILLAN BINCH, Barristers & Solicitors dated September 19, 1983

"We are the solicitors for Hillcrest Hospital who owns the lands at the northeast corner of the intersection of Bathurst Avenue and Davenport Road municipally known as 47 Austin Terrace, Toronto.

It has recently come to our client's attention that City Council passed the by-laws referred to above on July 11, 1983 and the City now proposed to submit these by-laws to the Ontario Municipal Board.

These by-laws will have the effect of prohibiting or greatly restricting our client's plans for the property, particularly insofar as the provisions respecting maximum coverage and height are concerned. We hereby object to the by-laws on behalf of our client, and this will serve as a notice that we will want to make deputations before the Land Use Committee and subsequently, before the Ontario Municipa Board to recommend changes to the said by-laws insofar as they affect our client's lands. We would appreciate your sending us notices of any future public hearings and meetings concerning these by-laws."

4.2 Letter from MCMILLAN, BINCH, Barristers & Solicitors dated October 17, 1983

"Further to our letter of September 19, 1983 to Mr. Roy V. Henderson, City Clerk and the Notice of Hearing dated October 7, 1983 with respect to the above-noted matter, we take this opportunity to set out in more detail the nature of the objections of Hillcrest Hospital to the subject By-laws.

Hillcrest Hospital has been a member of the Bathurst/St. Clair community since 1886. The history of Hillcrest Hospital is both interesting and unique as it is one of the oldest, if not the oldest, convalescent hospital in Canada, having recently entered into its 98th year of continuous service to the general public at its present site. During this period, it has rendered a valuable service to well over 35,000 patients.

The hospital functions as a short term rehabilitation hospital. It receives patients from approximately 10 active treatment hospitals in Metropolitan Toronto, as well as from other hospitals throughout the Province. Patients are admitted for a specific program of treatment and care under

the leadership and guidance of the referring physician and/or Hillcrest's own staff physicians. Also, while the hospital is not directly affiliated with the University of Toronto, it does carry out a comprehensive educational program each year in association with the University and other community colleges in Metropolitan Toronto. Students from faculties of nursing, pharmacy and occupational therapy receive formal training and practical experience at Hillcrest Hospital each year.

The recommendation in the initial Bathurst/St. Clair proposals of October 1978 were to restrict the hospital's expansion to its present site. At the time the hospital had two main concerns with the proposals involving:

1) the hospital's interest in acquiring 61 Austin Terrace to alleviate certain potential hazards it perceived with the entrance way to the hospital; and

2) the City's plans for the escarpment area, which comprises a large part of the hospital lands.

These concerns were more fully dealt with in a brief presented by the hospital to the City in response to the initial planning proposals.

The re-zoning which is now contemplated, however, is a down zoning of the hospital lands from R4Z3 to R4Z2, thus reducing the maximum gross floor area permitted from 1 times the lot area to .6 times the lot area. The total are of the hospital lands is presently 93,017 square feet. The total floor area of the existing building is 56,595 square feet. If the down zoning goes into effect, the total permitted floor area will be 55,810 square feet, which will mean that the actual floor area of the hospital already exceeds the permitted floor area by 785 square feet.

The down zoning also contemplates imposing a height restriction of 12 metres over the hospital lands where none existed before. The hospital building is already at, and may even slightly exceed, this restriction.

It is clear that for the hospital, the proposed down zoning closes the door completely on any future expansion and may eventually force the hospital to relocate its operation to a site less suitable that the existing one. However, it must be noted that the proximity of Hillcrest Hospital to the active treatment hospitals located in the downtown core of Toronto is its major asset. Patients are transferred from the referring hospital to Hillcrest Hospital within a few minutes because of

this proximity. Further, the accessibility of Hillcrest Hospital to downton Toronto allows the referring physicians to travel between hospitals in reasonable time.

The administration at Hillcrest Hospital is deeply concerned about this total restriction on expansion at the existing site. In 1978, the Ministry of Health established certain guidelines for new or expanded hospital programs in the Province of Ontario. These proposals called for a decrease in acute treatment beds and a shifting of emphasis to the rehabilitative type of service. More recently the Ministry has stressed the de-institutionalization of patient care. This has prompted discussions between Hillcrest Hospital and the Metropolitan Toronto District Health Council, the agency responsible for regional planning and rationalization of health services for Metro Toronto, on the feasibility of Hillcrest providing outpatient services or a day care program. Either of these additional services would benefit the Bathurst/St. Clair community and would require moderate expansion or improvement of present facilities. In order to better service these changing needs, within the last year the hospital has employed additional staff physicians on a trial basis with the intention of taking these physicians on full time. If the hospital is to carry through with this plan it may require the addition of several new offices to accommodate the incoming physicians. The hospital is looking to its centenary in 1986 in the hopes of completing this work at that time.

The hospital must also be able to remain flexible enough to allow it to change or expand its existing programs to meet the needs of the day and this, too, may require physical changes. On April 1 1983 Hillcrest Hospital and Toronto Western Hospital commenced a program to admit cardiac catherization patients from Western to Hillcrest both prior to and post catherization, thereby relieving the pressure on acute case beds at Western and enabling patients to receive much needed catherizations at an earlier stage. This collaboration has brought over fifty patients to Hillcrest since the program began and is an example of the ever-changing utilization of the Hillcrest facilities.

We therefore request that the By-laws be amended to enable the hospital to continue its limited growth at its present location in keeping with its long history of service to the community. The hospital intends to be present or represented at the hearing on October 19 1983 and any further hearings which take place. We would appreciate receiving adequate notice of all future hearings to allow the hospital to arrange its presentation.

Hillcrest Hospital has blended in well with the surrounding community as both have developed through the years and looks forward to continuing this relationship into the future."

4.3 Letter from Hillcrest Hospital dated January 5, 1984

"Since our meeting with you on November 7, 1983 at which we voiced our objections to the above named by-law the Hillcrest Hospital Board of Governors, Medical Staff and Administration has deliberated on the hospital's future role. Meetings have been held with regional health planners, and other hospitals, and although we cannot place before you at this time a definitive expansion requirement for the hospital, we are in a position to more clearly articulate the role we see Hillcrest Hospital filling in the future.

On December 5, 1983, our Executive and Joint Conference Committees met with officials of the Metropolitan Toronto District Health Council and discussed Hillcrest Hospital's current position and future path in providing health care to the citizens of Toronto. At that meeting it was determined that our expansionary plans to the immediate future should be focused exclusively on the provision of Out-Patient Physiotherapy/Day Hospital Services. This will allow us to provide such services as would enable more families to care for elderly or disabled family members at home, exercise programs for patients recovering from heart surgery and other rehabilitation programs.

Hillcrest Hospital can now provide a limited out-patient service using our present facility. A day hospital or larger out-pateint service would require expansion. Without fully measuring our community's needs at the present time, it is difficult to give you precise statistics of the size of an expansion required. However, in an effort to give you some idea of size and location, we would estimate an expansion of approximately 10,000 square feet will be required. Until we have more detailed discussions with our architects we cannot say with certainty where the expansion could take place, but one possible site may be on the West side of our property extending from the front of our present building in a northerly direction.

A day hospital/out-patient service will focus directly on our immediate community. Assessing the ongoing needs of the community, developing plans to fill these needs and submitting them to the District Health Council for ultimate approval by the Ministry of Health takes time. However, we must stress that we believe that an expansion of Hillcrest Hospital is necessary if we are to continue to fultil our mandate to

participate in the health care needs of the citizens of Toronto."

Appendix 5

5.1 Letter from VAUGHAN, WILLMS, Barristers & Solicitors dated September 21, 1983

"On behalf of the owners of 49 Burnside Drive we object to the above by-law.

As background I should indicate that the house in question was constructed in 1915-1916 by Sir William Gage on the edge of the escarpment overlooking the city. Over the years the 28 acre estate was developed and the house now lies on a parcel of land with no frontage on any public street surrounded by houses about one-quarter the size of the house in question. It is one of the few remaining great houses constructed on the escarpment, others such as Glen Edyth, Rathnelly, Benvenuto, Davenport and Summerhill having been demolished because, in each case, no viable use could be found to justify its continuance.

The house is not only one of the few remaining such buildings in the city, but is the last one for which a viable use is not sanctioned by law. Others such as Oaklands and Spadina remain with viable uses such as a school and city museum. Although the house was converted to multi-family use in 1926 and has been used on and off since then for such purposes including for an unbroken period extending back approximately 20 years, the proposed R1 zoning would restrict the use of the property to a one-family dwelling unit. The house has a gross floor area of approximately 13,500 square feet. A house of that size is an anomaly at any location in the latter quarter of the 20th century and is particularly out of scale in its vicinity. There is no realistic market or demand for a house of that size in that location. Consequently the proposed R1 zoning sterilizes the use of the property by effectively prohibiting any use for which there is a market.

The original recommendations in the initial Bathurst-St. Clair proposals were to zone the immediate area R1F, inasmuch as 35 percent of the buildings on Burnside Drive are converted dwelling houses. That zoning would, in our view, be appropriate. As we understand it though, under pressure from the trustees of Wychwood Park, the planners changed the proposed zoning of the entire area around Wychwood Park to R1. That change was made not for planning considerations or to reflect existing uses, but in response to the insistence of the trustees of Wychwood Park that their area be surrounded by R1 zoning. We therefore object to the by-law on the following bases:

1. Because, by virtue of s.9.2 of the official plan , it is the policy that non-conforming uses shall cease to exist, the proposed zoning contravenes s.2.8(a) of the official plan which is intended to protect the stability of low density residential areas.

2. Inasmuch as the proposed zoning, by virtue of the official plan, as stated, and by virtue of the creation of an unviable use, will encourage demolition of the building, the proposed zoning contravenes s.1.1(g) and (h), provisions designed to protect buildings of historical and architectural merit, particularly those in Heritage Conservation Districts.

3. The proposed by-law contravenes s.2A(1)(a) and (c), which are designed to ensure the provision of decent housing and the preservation of existing housing and residence areas by prohibiting more rental units.

4. The proposed by-law contravenes public policy and the public interest in providing minimum size of dwelling unit, in this case, of 13,500 square feet. Surely it would be congruent with public policy designed to provide more housing within the existing fabric of buildings, to enable the provision of more than one dwelling unit in a house that is ten times the size of the average house.

5. The proposed zoning contravenes the recommendations in the 1978 Proposals Report for the Bathurst-St. Clair Part II Official Plan.

6. A proposed zoning contravenes the 1981 Final Recommendations Report. Both those reports recommended R1F zoning which would enable viable use of the property to be made.

7. The proposed zoning totally sterilizes the building and does so for no proper planning purpose. The R1F zoning buffer around Wychwood Park resulted from pressure from the Wychwood Park trustees.

We ask that the by-law be amended to enable the property to continue to be used for the use that was established in 1926 and which remains viable, namely as a multiple family dwelling.

The owners intend to be present or represented at the O.M.B. and we would request 40 days advance notice of any O.M.B. hearing or motion with respect to the matter in order that they can arrange their presentation."

Appendix 6

6.1 Letter from O'DONOHUE, WHITE AND CHRISTO, Barristers & Solicitors dated September 19, 1983

"Enclosed herewith please find the Notice of Objection of the Collegium of the University of St. Michael's College to By-law 553-83."

IN THE MATTER OF an application
to The Ontario Municipal Board
by the Corporation of the City
of Toronto for approval of
By-law 553-83 passed the
11th day of July 1983.

NOTICE OF OBJECTION

"TAKE NOTICE that the Collegium of the University of St. Michael's College hereby objects to sections 2, 3, 4, 5, 6, and 12, and Schedules 2 and 3 of By-law 553-83 enacted by the Corporation of the City of Toronto on the 11th day of July, 1983 on the grounds that the said by-law is poor planning in that it unduly restricts the height and density of any development on the Objector's property located at the north-east corner of St. Clair Avenue and Bathurst Street, and such other grounds as Counsel may advise.

It a hearing is held, an agent of the Objector will attend to support this Objection.

Any notice of a hearing should be given to the Collegium of the University of St. Michael's College,

c/o Messrs. O'Donohue, White and Christo
Suite 2010, 401 Bay Street
Toronto, Ontario M5H 2Y4

DATED at Toronto this 20th day of September 1983."

6.2 Letter from O'DONOHUE WHITE AND CHRISTO, Barristers & Solicitors dated December 30, 1983

"In respect to your letter dated December 15, 1983, this is to advise that we have retained a planning consultant to advise us in connection with St. Michael's property at Bathurst and St. Clair. He is on vacation over the holiday season and will

not return until January 9, 1984. As we should like to receive his further advice before any further meeting with you or your staff, it will not be possbile to meet with you before January 6, 1984.

We will be meeting with our planning consultant as soon as practicable after his return and after which we will be in touch with you."

Appendix 7

7.1 Letter from MEKKUK REALTY LIMITED dated September 19, 1983

"We object to the above By-law for the following reasons:

1. By-law is discriminating as it favours the residential areas at the expense of the commercial.

2. Planners are piecemealing the City. The downtown downzoning was to be balanced by development away from the downtown. Yet this By-law downzones also. How far from downtown is far enough?

3. Our site at 536 St. Clair Avenue West is close to an existing subway exit and also close to proposed expressways (Crosstown and Allen) and should have an increased coverage, not decreased.

We wish to be heard it a hearing is held. At that time we may also have further objections."

Appendix 8

8.1 Letter from MCMANUS AND ASSOCIATES dated November 24, 1983

"During August we heard by chance that the city was planning to re-zone the area in which our business is located, from C2V2 to R4AZ3. For reasons which I shall outline, such a possibility alarmed us.

We phoned our Alderman, Mr. Ying Hope, and asked him to make inquiries of the commission on our behalf. Subsequently we received a copy of a letter addressed to you and dated August 26, 1983. In it, Mr. Hope asked if our business could continue as a conforming use. This was, however, not our concern, since we assumed that it was unlikely that we and other businesses in the area would not be allowed to continue operating. But, whatever our concerns, we note that we have not received any further correspondence from Mr. Hope, nor from the Department of Planning and Development.

Our purpose by this letter is to request an exemption from any R4AZ3 zoning which may be implemented. Our reasons for this request are as follows:

1. On September 17, 1981, we purchased the property on the southeast corner of Spadina and Davenport Roads. It was an important business investment for us. We bought the house as a commercial property, paying 30% more than we would have paid for a comparable residential or professional home. By a change in zoning to residential, our investment would be wiped out on resale.

   We are a small business, incorporated in the County of York in 1970. Slowly but surely we have been building our business to a point where it is stable, profitable and capable of yielding a decent retirement income. It would be totally unacceptable to us to take such a loss as a result of a change in zoning that we would perceive as working against the interests of small business in this area.

2. In order to make this property conform to commercial building standards we spent a considerable sum of money on upgrading; for example, installation of commercial ducting with fire dampers.

3. We understand that the commercial zoning laws are more commodious of expansion than are residential zoning laws.

Would you be good enough to inform us of any steps that may be necessary to apply for the exemption we have requested."